

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL NO. 05-10085-RCL
)
)
HANA AL JADER,)
Defendant)

**UNITED STATES' MOTION
FOR FINAL ORDER OF FORFEITURE**

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves this Court for the issuance of a Final Order of Forfeiture in the above-captioned case pursuant to Title 18, United States Code, Section 982(a)(6). A proposed Final Order of Forfeiture is submitted herewith. In support thereof, the United States sets forth the following:

1. On March 29, 2005, a federal grand jury sitting in the District of Massachusetts returned a ten-count Indictment charging defendant Hana Al Jader (the "Defendant"), with Forced Labor and Attempted Forced Labor, in violation of 18 U.S.C. §§ 1589 and 1594 (Counts One and Two); Document Servitude, in violation of 18 U.S.C. § 1592(a) (Counts Three and Four); Falsification of Records, in violation of 18 U.S.C. §§ 1519 and 2 (Counts Five and Six); Visa Fraud, in violation of 18 U.S.C. §§ 1546(a) and 2 (Counts Seven and Eight); and Harboring an Alien in the United States, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(iii) and (B)(i) (Counts Nine and Ten).

2. The Indictment sought the forfeiture, pursuant to 18 U.S.C. § 982(a)(6), of any conveyance, including any vessel, vehicle, or aircraft, used in the commission of one or more of the offenses alleged in Counts Nine and Ten of the Indictment; and any and all property, real or personal, that constitutes, or is derived from, or is traceable to the proceeds obtained directly or indirectly from the commission of such offense; or that is used to facilitate, or is intended to be used to facilitate the commission of such offense. The property to be forfeited specifically included, without limitation, the real property located at 339 Mystic Street, Arlington, Massachusetts, more specifically described in the deed recorded on September 26, 2003, in the South Middlesex County registry of deeds, book 41030, page 479 (the "Arlington Property").

3. On September 5, 2006, the Defendant pled guilty to Counts Seven through Ten of the Indictment, pursuant to a written plea agreement (the "Agreement"). In the Agreement, the Defendant admitted that the Arlington Property is subject to forfeiture on the grounds that it is property used, or intended to be used, to commit or facilitate the commission of the crimes charged in Counts Nine and Ten of the Indictment, and consented to the forfeiture of any and all of her interest in the Arlington Property.

4. On October 18, 2006, this Court issued a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in the Arlington Property. See Docket No. 81.

6. Notice of the Preliminary Order of Forfeiture was sent to all interested parties, and published in the Boston Herald on October 31, 2006, November 7, 2006, and November 14, 2006.

7. No claims of interest in the Arlington Property have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so expired on December 14, 2006.¹

¹ Washington Mutual Bank, F.A. has submitted to the United States documentation purporting to establish its status as an innocent lien holder with respect to the Arlington Property. The United States anticipates entering into an Expedited Settlement Agreement with Washington Mutual Bank, F.A., whereby the United States will agree to pay certain unpaid principal and interest due on the lien, after payment of certain fees, expenses, and taxes associated with the maintenance, marketing and sale of the Arlington Property.

WHEREFORE, the United States respectfully moves that this Court enter a Final Order of Forfeiture against the Arlington Property in the form submitted herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney,

/s/ Kristina E. Barclay
S. THEODORE MERRITT
KRISTINA E. BARCLAY
Assistant U.S. Attorneys
United States Courthouse
Suite 9200
1 Courthouse Way
Boston, MA 02210
(617) 748-3100

Date: March 6, 2007

CERTIFICATE OF SERVICE

This is to certify that the foregoing Motion for Final Order of Forfeiture and the proposed Final Order of Forfeiture, filed through the Electronic Case Filing system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/Kristina E. Barclay
Kristina E. Barclay
Assistant United States Attorney

Dated: March 6, 2007

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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v.) CRIMINAL NO. 05-10085-RCL
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HANA AL JADER,)
Defendant)

FINAL ORDER OF FORFEITURE

LINDSAY, D.J.

WHEREAS, on March 29, 2005, a federal grand jury sitting in the District of Massachusetts returned a ten-count Indictment charging defendant Hana Al Jader (the "Defendant"), with Forced Labor and Attempted Forced Labor, in violation of 18 U.S.C. §§ 1589 and 1594 (Counts One and Two); Document Servitude, in violation of 18 U.S.C. § 1592(a) (Counts Three and Four); Falsification of Records, in violation of 18 U.S.C. §§ 1519 and 2 (Counts Five and Six); Visa Fraud, in violation of 18 U.S.C. §§ 1546(a) and 2 (Counts Seven and Eight); and Harboring an Alien in the United States, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(iii) and (B)(I) (Counts Nine and Ten);

WHEREAS, the Indictment sought the forfeiture, pursuant to 18 U.S.C. § 982(a)(6), of any conveyance, including any vessel, vehicle, or aircraft, used in the commission of one or more of the offenses alleged in Counts Nine and Ten of the Indictment; and any and all property, real or personal, that constitutes, or is derived from, or is traceable to the proceeds obtained directly or indirectly from the commission of such offense; or

that is used to facilitate, or is intended to be used to facilitate the commission of such offense, pursuant to 18 U.S.C. § 982, including without limitation the real property located at 339 Mystic Street, Arlington, Massachusetts, more specifically described in the deed recorded on September 26, 2003, in the South Middlesex County registry of deeds, book 41030, page 479 (the "Arlington Property");

WHEREAS, on September 5, 2006, the Defendant pled guilty to Counts Seven through Ten of the Indictment, pursuant to a written plea agreement, in which the Defendant admitted that the Arlington Property is subject to forfeiture, and consented to the forfeiture of any and all of her interest in the Arlington Property;

WHEREAS, on October 18, 2006, this Court issued a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in the Arlington Property;

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties, and published in the Boston Herald on October 31, 2006, November 7, 2006, and November 14, 2006; and

WHEREAS, no claims of interest in the Arlington Property have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so expired on December 14, 2006.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED
that:

1. The United States' Motion for Final Order of Forfeiture
is allowed.

2. The United States of America is now entitled to the
forfeiture of all right, title, or interest in the Arlington
Property, and the Arlington Property is hereby forfeited to the
United States of America pursuant to the provisions of 18 U.S.C.
§ 981.

3. Any parties having any right, title or interest in the
Arlington Property are hereby held in default.

4. The United States is hereby authorized to dispose of
the Arlington Property in accordance with applicable law.

5. This Court shall retain jurisdiction to enforce this
order and to amend it as necessary, pursuant to Rule 32.2(c) of
the Federal Rules of Criminal Procedure.

DONE AND ORDERED in Boston, Massachusetts, this ____ day of
_____, 2007.

REGINALD C. LINDSAY
United States District Judge